

REMARKS

This response is directed to the Final Office Action mailed May 28, 2009 setting a three month shortened statutory period for response expiring on August 28, 2009. No claim amendments are being made. Prompt reconsideration is requested in view of the following remarks.

Claim rejections - 35 USC 103

Claims 22-44 and 69-71 stand rejected as being unpatentable over Chen et al., in view of Toguri. Claims 46-68 and 72-79 stand rejected as unpatentable over Toguri in view of Chen et al. In response to Applicant's arguments made in response to the previous office action mailed 12/18/09, the Examiner takes the position that the term "reproduction time" as used in Toguri lacks specificity as to exactly what is meant by the term. The Examiner states that: "it's reasonable to interpret "reproduction time" as describing the time at which something is to be produced. One of ordinary skill would recognize that such timing information would be of use, for example, in the information integrating and synchronizing reproduction processing module. In that case, it would meet the claimed "time prompt"." It is respectfully submitted that if even if "reproduction time" is used as the Examiner suggests, it does not meet the claimed "time prompt."

Toguri paragraph [0093] states:

The information integrating and synchronous reproduction processing module 44 integrates and synchronizes the AV contents, the general purpose additional information of that AV contents, and the individual additional information on the segments, the scenes or the objects of the AV contents received by the information reception processing module 43, and outputs the resultant information to the terminal output unit 10.

Applicant's claim recites:

“transmitting at least one time prompt to the portable device, the time prompt triggering the content data to be displayed on the portable device such that the content data is displayed in synchronization with the presentation of a corresponding portion of the media presentation; and

displaying the content data on the portable device.”

Applicant’s claims teach a portable device having content data stored on it so that when the portable device receives a time prompt, this triggers the content data to be displayed on the portable device in synchronization with a media presentation being displayed on a device remote from the portable device. The time prompt is sent to the portable device which displays the content data. In contrast, Toguri does not disclose, teach, or suggest transmitting a time prompt to the terminal output unit 10, which is the device that displays the AV contents and the additional information of the AV contents. Instead, the AV content remains in the information integrating and synchronous reproduction processing module 44. The terminal output unit 10 immediately displays whatever it receives. The terminal output unit 10 does not store data and then receive a time prompt or a “reproduction time” to trigger the display of data in synchronization with some other data on a remote device. So even if “reproduction time” describes the time at which something is to be produced and is actually used for this purpose, it is being used in the integrating and synchronous reproduction processing module 44 and not the terminal output unit 10.

Furthermore, in Toguri, if “reproduction time” is interpreted to include the time at which something is to be produced (e.g., the AV contents), this information is additional information of the overall AV contents provided for the user’s purpose, not a functioning element of the disclosed system. The additional information includes information such as a title, a type of copyright, a genre, a registration number, a date of creation, a storage location, a storage format, data size, “reproduction time”, or the like. (para. 0079 of Toguri). This information is integrated and synchronized with the actual AV contents and sent to the terminal output unit 10 at the request of the user. This additional information is the type of information which is inherent to the AV contents common among users. Toguri’s disclosure is based on providing additional

information individually per user so that each user can get any additional necessary information they choose together with the AV contents and the common additional information. Therefore, the AV contents, the common additional information, and the individual additional information are all sent to the terminal output unit 10 together as information for the user's use, not for the use of the system, (i.e., the system would work exactly the same way even if the "reproduction time" data was not included in the common metadata of the AV contents).

The Examiner also takes the position that Toguri meets the claimed transmission of a time prompt by virtue of inherency as follows:

Terminal apparatus 9 receives both AV contents and metadata, "integrates and synchronizes" these objects, then outputs them to a terminal output that includes multiple displays [FIG. 19, para. 149; FIG. 10, paras. 92-93;]. The AV contents are displayed synchronously with the extra media (metadata). For synchronous display to occur [44, Fig. 4], there must necessarily exist a "time prompt" that triggers the synchronous display of the two different pieces of data. Without a time prompt there is no meaningful manner in which to synchronize the displays. Moreover, since all of the information originates not at the terminal itself but arrives via the internet, the timing information is also necessarily transmitted to the device [Fig. 3, para. 72].

All the synchronization and integration of data is done at Terminal 9 and not at the terminal output unit 10. The terminal output unit 10 does have multiple displays, but receives all the data to be displayed and/or the audio data to be played via speakers at the same time together.

As mentioned above, Applicant's claims teach a portable device having content data stored on it so that when the portable device receives a time prompt, this triggers the content data to be displayed on the portable device in synchronization with a media presentation being displayed on a device remote from the portable device. The terminal output unit 10 synchronizes the displays, i.e., displays the AV contents and the additional information at the same time, based on the format of the data as it is sent to the terminal output unit 10. The terminal output unit 10

displays the data as it receives it, it does not receive a “time prompt” that triggers it to display the data. Timing information may necessarily be transmitted to the device via the internet, but this timing information is well known in the art of transmitting data via networks, and is not the same kind of timing information Applicant claims.

Chen teaches a system wherein a TCD 120 can receive selected portions of a television programming transmission for display on the TCD. This TCD can selectively choose, in accordance with user instruction, selected programs, etc. from the main TV receiver. The combination of Chen and Toguri teach transmission of AV content to a TCD or Terminal for subsequent reproduction on that terminal or TCD. However, this combination of references does not teach providing a viewer of a media presentation (on one device) with a portable device remote from the media presentation that displays content data when the portable device receives a time prompt triggering the content data to be displayed in synchronization with the media presentation as is set forth in Applicants' claims. Therefore it is respectfully submitted that the examiner has not set forth a *prima facie* case of obviousness with respect to Applicant's claims 22-44 and 46-79. This rejection should therefore be withdrawn.

Conclusion

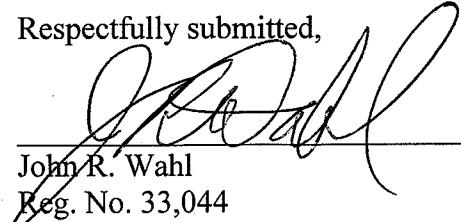
Claims 22-44 and 46-79 remain pending. This amendment is believed to be responsive to all points in the Office Action. Should there remain any additional issues or concerns, the examiner is encouraged to contact the undersigned attorney by telephone at (303)685-7460 to expeditiously resolve such concerns.

It is not believed that any additional fees or extensions of time are due in connection with this correspondence. However, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-2638. Please ensure that the Attorney Docket Number 54317-022501 is referenced when charging payments or credits for this case.

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